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EXAMINER

ROSSI, JESSICA

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/936,457

Applicant(s)

WHITWORTH, IAN JAMES

Examiner

Jessica L. Rossi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 4/25/06, RCE.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 37-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 37-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***RCE***

1. The request filed on 4/25/06 for a RCE under 37 CFR 1.114 based on parent Application No. 09/936,457 is acceptable and a RCE has been established. An action on the RCE follows.

***Response to Amendment***

2. This action is in response to the amendment dated 3/20/06.

3. The rejection of claims 1 and 37 under 35 USC 102(b) as being anticipated by Jorgensen (WO 97/37569), as set forth in paragraph 5 of the previous action, has been withdrawn in light of Applicant's arguments presented on p. 6 of the remarks where it is pointed out that Jorgensen teaches away from the adhesive applicators being on an axis parallel to the longitudinal axis of the first string.

4. The rejection of claim 37 under 35 USC 103(a) as being unpatentable over Jorgensen in view of Mossbeck et al. (US 6143122), as set forth in paragraph 7 of the previous action, has been withdrawn for the reason stated in paragraph 3 above.

5. The rejection of claim 1 under 35 USC 103(a) as being unpatentable over Suenens (US 5016305) in view of Jorgensen, as set forth in paragraph 12 of the previous action has been withdrawn upon the discovery of better secondary references.

6. The rejection of claim 37 under 35 USC 103(a) as being unpatentable over Suenens '305 and Jorgensen and further in view of Mossbeck et al. '122, as set forth in paragraph 14 of the previous action, has been withdrawn for the reason stated in paragraph 5 above.

***Claim Rejections - 35 USC § 102***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 1-11 and 37-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Stumpf (US 4578834).

Stumpf is directed to a method for the manufacture of an innerspring assembly. The reference teaches positioning a first string 12a of pocketed coil springs in juxtaposition with a plurality of adhesive applicators 24 disposed in mutually fixed relation on an axis parallel to a longitudinal axis of the first string (Figures 4-5; column 3, lines 6-17), applying adhesive 28 from the applicators to the pockets of the first string, wherein the amount and/or distribution of adhesive applied to each individual pocket is varied relative to the amount and/or distribution of adhesive applied to other pockets (column 3, lines 28-34), and bringing the first string into adhesive contact with a second string.

It is further noted that Stumpf recognizes that longer adhesive lines provide additional firmness and therefore he teaches that the innerspring assembly can be provided with additional firmness throughout or in *selected areas* (column 3, lines 28-34). One having ordinary skill in the art would have readily appreciated that in order for the innerspring assembly of Stumpf to have additional firmness in *selected areas*, longer adhesive lines would be applied to only some of the pockets in a string while the typical shorter lines of adhesive would be applied to the remaining pockets within the string. Therefore, Stumpf teaches the innerspring assembly comprising at least one region in which adjacent pockets of the first and second strings are connected by first quantities of adhesive (longer lines) and at least one region in which adjacent

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pockets of the first and second strings are connected by second quantities of adhesive (shorter lines) wherein the second quantities of adhesive are less than the first quantities of adhesive.

***Claim Rejections - 35 USC § 103***

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 1-5 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suenens (US 5016305, of record) in view of Stumpf and/or Mossbeck et al. (US 6143122, of record).

With respect to claim 1, Suenens is directed to a method for the manufacture of an innerspring assembly (column 2, lines 17-18). The reference teaches positioning a first string 1 of pocketed coil springs 3 in juxtaposition with an adhesive applicator 11 (Figure 6; column 4, lines 60-62; column 5, lines 14-17), applying adhesive from the applicator to pockets 3 of the first string (column 4, lines 45-47 and 57-66), wherein the amount and/or distribution of adhesive applied to each individual pocket is varied relative to the amount and/or distribution of adhesive applied to other pockets (note adhesive can applied to every pocket, every other pocket, every other two pockets, or every three pockets of the string - therefore the quantity of adhesive applied to an individual pocket can be zero while the quantity of adhesive applied to other pockets can be greater than zero; Figure 5; column 4, lines 45-47 and 64-66), and bringing the first string into adhesive contact with a second string (Figure 7; column 6, line 67 – column 7, line 4). Suenens teaches the adhesive applicator being disposed on an axis parallel to the longitudinal axis of the string but it is unclear as to whether there is a plurality of applicators disposed in mutually fixed relation on the axis parallel to the longitudinal axis of the string.

It is known in the art to apply adhesive to a string of pocketed coil springs using a plurality of applicators disposed in mutually fixed relation on an axis parallel to a longitudinal axis of the string, as taught by Stumpf (see above for complete discussion) and/or Mossbeck (Figure 3; column 3, lines 21-24; column 6, lines 50-53).

One reading Suenens as a whole would have appreciated that the reference is not concerned with the particulars of an adhesive applicator and therefore it would have been obvious to the skilled artisan at the time the invention was made to use a plurality of applicators disposed in mutually fixed relation on an axis parallel to a longitudinal axis of the first string of Suenens to apply adhesive to the pockets because such is known in the art, as taught by Jorgensen, wherein a plurality of applicators expedites the process by allowing adhesive to be applied to a plurality of pickets within a string simultaneously.

Regarding claim 2, Suenens in view of Stumpf and/or Mossbeck teaches simultaneously applying adhesive from the applicators.

With respect to claim 37, all the limitations were addressed above with respect to claim 1 except the innerspring assembly comprising at least one region in which adjacent pockets of the first and second strings are connected by first quantities of adhesive and at least one region in which adjacent pockets of the first and second strings are connected by second quantities of adhesive with the second quantities of adhesive being less than the first quantities of adhesive.

It would have been obvious to apply the adhesive to adjacent pockets of the first and second strings of Suenens such that a first region (i.e central region of pocket) would have more adhesive than a second region because such an adhesive distribution is known in the art, as taught by Mossbeck (column 3, lines 35-42), where such a distribution produces a greater

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bonding strength between the strings since the central portion of each pocket is typically the primary contact region between the strings (Mossbeck, column 3, lines 35-42).

*\*Contrary to Applicant's arguments, the present claim language set forth in part b) of claims 1 and 37 does not positively recite that each pocket has adhesive thereon and therefore the claims do not exclude the amount of adhesive applied to some pockets being equal to zero. Also contrary to Applicant's arguments, the present claim language set forth in part c) of claim 37 does not exclude the first and second quantities of adhesive being located on the same pocket within a string (see Response to Arguments section below for a more detailed discussion). However, the following rejection is set forth to expedite prosecution.*

With respect to claim 1, it would have been obvious to one having ordinary skill in the art to apply adhesive to each pocket within the string of Suenens and vary the amount and/or distribution of the adhesive applied to each pocket within the string relative to the amount and/or distribution of adhesive applied to other pockets within the string because such is known in the art, as taught by Stumpf (see paragraphs above for complete discussion), where this allows the manufacturer to provide additional firmness in select areas throughout the innerspring assembly.

With respect to claim 37, it would have been obvious to one having ordinary skill in the art to apply a first quantity of adhesive to a first pocket within the first string of Suenens and apply a second quantity of adhesive to a second pocket within the first string of Suenens, wherein the second quantity of adhesive is less than the first quantity of adhesive, such that the innerspring assembly comprises at least one region in which adjacent pockets of the first and second strings are connected by first quantities of adhesive and at least one region in which adjacent pockets of the first and second strings are connected by second quantities of adhesive

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with the second quantities of adhesive being less than the first quantities of adhesive because such is known in the art, as taught by Stumpf (see paragraphs above for complete discussion), where this allows the manufacturer to provide additional firmness in select areas throughout the innerspring assembly.

Regarding claims 3-5, 7-11, 38-41 and 43-47, please refer to paragraphs 12 and 14 of the previous action.

11. Claims 6 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suenens '305 and Stumpf and/or Mossbeck '122 as applied to claims 1 and 37 above, and further in view of the collective teachings of Eto (US 5792309, of record), Suenens et al. (EP 421495, of record) and Mossbeck (US 6159319, of record).

Regarding claims 6 and 42, Applicant is directed to paragraphs 13 and 15 of the previous action.

### ***Response to Arguments***

12. Applicant's arguments filed 3/20/06 have been fully considered but they are not persuasive.

13. On p. 10 of the remarks, Applicant argues that although Suenens '305 in view of Mossbeck '122 teaches each pocket of the innerspring assembly including regions having different quantities of adhesive, adjacent pockets are connected by the same quantity of adhesive across the entire innerspring assembly. Applicant therefore argues that such an arrangement fails to read on Applicant's claimed invention, as set forth in claim 37, which recites at least one region in which adjacent pockets of the first and second strings are connected by first quantities of adhesive and at least one region in which adjacent pockets of the first and second strings are



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connected by second quantities of adhesive with the second quantities of adhesive being less than the first quantities of adhesive.

The examiner would like to point out that Applicant is affording the limitation set forth in part c) of claim 37 a interpretation that is much narrower in scope than that which is actually being claimed. Based on Applicant's argument, it appears he believes that the present claim language limits the first and second quantities of adhesive to being applied to different pockets within the first string. However, such is not commensurate with the scope of the claimed invention because there is nothing in present claim 37 which excludes the first and second quantities of adhesive from being applied to the same pocket within the first string such that the pocket in the second string that is joined to this pocket in the first string by means of the first and second quantities of adhesive clearly reads on Applicant's claimed "adjacent pockets."

*\*The examiner is also invited to reread the additional rejections of claims 1 and 37 in paragraph 10 above, which were set forth to expedite prosecution*

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jessica L. Rossi** whose telephone number is **571-272-1223**. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard D. Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JESSICA ROSSI  
PRIMARY EXAMINER

